### Lee Feldman

From:

D'Wayne Spence

Sent:

Wednesday, December 17, 2014 6:16 PM

To:

Lee Feldman; Cynthia Everett

Subject:

Fwd: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board Meeting

Results

# Sent from my iPad

# Begin forwarded message:

From: "Sniezek, Henry" < HSNIEZEK@broward.org>

**Date:** December 17, 2014 at 6:01:20 PM EST

**To:** 'D'Wayne Spence' < <u>DSpence@fortlauderdale.gov</u>>, "Stephen K. Tilbrook (<u>Stephen.Tilbrook@gray-robinson.com</u>)" < <u>Stephen.Tilbrook@gray-robinson.com</u>>

**Cc:** "Azcoitia, Maite" < MAZCOITIA@broward.org>, "Feliciano, Maribel" < mfeliciano@broward.org>, "Linda Franco (<u>LFranco@fortlauderdale.gov</u>)"

< LFranco@fortlauderdale.gov>, "Seinfeld, Daniel M. (<u>Daniel.Seinfeld@DOS.MyFlorida.com</u>)"

<<u>Daniel.Seinfeld@DOS.MyFlorida.com</u>>, 'Lynda Crase' <<u>LCrase@fortlauderdale.gov</u>>, "'fajardo,anthony' (<u>afajardo@fortlauderdale.gov</u>)" <<u>afajardo@fortlauderdale.gov</u>>, "Ferrer, Richard" <<u>RFERRER@broward.org</u>>, "Defelice, Matthew" <<u>MDEFELICE@broward.org</u>>, "The foliation of the foliation of t

"Karen Archer (KArcher@fortlauderdale.gov)" < KArcher@fortlauderdale.gov>

Subject: RE: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board Meeting Results

12/17/14

Good evening. In consultation with the County Attorney's Office concerning whether the referenced Waverly project is subject to County Ordnance 2014-32, we find that if the subject application was in process with the City prior to September 23, 2014, which is the date County Ordinance 2014-32 was adopted by the County Commission, then the referenced application is <u>not</u> subject to the provisions of 2014-32.

Thank you for your assistance in this matter. Please feel free to contact me at your convenience.

Henry Sniezek, Director Broward County Planning and Redevelopment Division 954-357-6670

From: Azcoitia, Maite

Sent: Wednesday, December 17, 2014 5:51 PM

To: Sniezek, Henry

Subject: Fwd: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board Meeting Results

## Begin forwarded message:

From: "Stephen K. Tilbrook" < Stephen. Tilbrook@gray-robinson.com>

Date: December 17, 2014, 5:45:30 PM EST

To: "Azcoitia, Maite" < MAZCOITIA@broward.org>

Cc: D'Wayne Spence <<u>DSpence@fortlauderdale.gov</u>>, "Feliciano, Maribel" <<u>mfeliciano@broward.org</u>>, Linda Franco <<u>LFranco@fortlauderdale.gov</u>>, Archaeological & Historical Conservancy <<u>archlgcl@bellsouth.net</u>>, "Seinfeld,

Daniel M." < Daniel.Seinfeld@DOS.MyFlorida.com >, Lynda Crase

<<u>LCrase@fortlauderdale.gov</u>>, Anthony Fajardo

<<u>AFajardo@fortlauderdale.gov</u>>, "Ferrer, Richard" <<u>RFERRER@broward.org</u>>,

"Defelice, Matthew" < MDEFELICE@broward.org>, Karen Archer

< KArcher@fortlauderdale.gov >, "Sniezek, Henry" < HSNIEZEK@broward.org >

**Subject: RE: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board Meeting Results** 

#### Maite:

I also did not receive your email response below. Please note my current email address above. In a prior conversation with Henry Sneizek, he indicated that the determination regarding the City's ordinance was wholly within the purview and authority of the County Attorney. If there are no records in your control, I'm guessing that your email below regarding the City's ordinance was not yet a final determination.

Also, please note that our client's application has been pending with the City of Fort Lauderdale since July, well in advance of the effective date of Broward County's ordinance.

Steve Tilbrook

## Stephen K. Tilbrook | Shareholder G R A Y | R O B I N S O N

401 East Las Olas Blvd., Suite 1000 | Fort Lauderdale, Florida 33301 T: 954-761-8111 | F: 954-761-8112 | D: 954-713-7845 E-mail | Website | Bio | vCard

### Facebook | LinkedIn | Twitter

**From:** Sniezek, Henry [mailto:HSNIEZEK@broward.org]

Sent: Wednesday, December 17, 2014 5:39 PM

To: Azcoitia, Maite; Stephen K. Tilbrook

**Cc:** D'Wayne Spence; Feliciano, Maribel; Linda Franco; Archaeological & Historical Conservancy; Seinfeld, Daniel M.; Lynda Crase; Anthony Fajardo; Ferrer, Richard;

Defelice, Matthew; Karen Archer

**Subject:** RE: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board

Meeting Results

Hello. To supplement the email below, please find attached FYI the master version of the letter sent out in November to each municipality requesting information. Our office has to my knowledge received a response from the city of Fort Lauderdale.

Thank you.

Henry

From: Azcoitia, Maite

Sent: Wednesday, December 17, 2014 5:30 PM

To: Stephen K. Tilbrook

**Cc:** D'Wayne Spence; Azcoitia, Maite; Feliciano, Maribel; Linda Franco; Archaeological & Historical Conservancy; Seinfeld, Daniel M.; Lynda Crase; Anthony Fajardo; Ferrer,

Richard; Defelice, Matthew; Sniezek, Henry; Karen Archer

Subject: Re: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board

Meeting Results

Steve, I spoke to Henry Sniezek and he will respond to your request, as I do not have any records on this site other than what was received from him.

For some reason, I did not receive Dwayne's response but will review the issue in light of the information he provided. The County had previously sought said information from the City but our request went without a response. Because of the lacj of information, the basis of our initial determination was information received from the county's consulting archaeologist.

On Dec 17, 2014, at 4:58 PM, "Stephen K. Tilbrook" < Stephen. Tilbrook@grayrobinson.com> wrote:

## Maite:

Please consider this email a public records request for immediate access to any internal or external correspondence, records, analysis or communications of any kind regarding the "determination" of the Broward County Attorney that the Fort Lauderdale Historic Preservation Ordinance is not in compliance with the Sect. 5-530 (c); in addition, please provide access to any public records related to 1016 Waverly Road, also known as the Rivermont Site. If necessary, I'm sure that one of the extensive people copied on this email will be appropriately considered a records custodian.

Thanks for your prompt attention and consideration in this regard.

Steve Tilbrook

## Stephen K. Tilbrook | Shareholder G R A Y | R O B I N S O N

401 East Las Olas Blvd., Suite 1000 | Fort Lauderdale, Florida 33301 T: 954-761-8111 | F: 954-761-8112 | D: 954-713-7845 E-mail | Website | Bio | vCard

## Facebook | LinkedIn | Twitter

**From:** D'Wayne Spence [mailto:DSpence@fortlauderdale.gov]

Sent: Wednesday, December 17, 2014 4:51 PM

To: Azcoitia, Maite; Stephen K. Tilbrook

Cc: Feliciano, Maribel; Linda Franco; Archaeological & Historical

Conservancy; Seinfeld, Daniel M.; Lynda Crase; Anthony Fajardo; Ferrer,

Richard; Defelice, Matthew; Sniezek, Henry; Karen Archer **Subject:** RE: Rivermont (8BD87) - 1016 Waverly Road Historic

Preservation Board Meeting Results

Maite,

Section 5-530, Broward County Ordinance provides "The municipal ordinance shall control the historical sites and structure, and archaeological sites, or both, within the municipality, provided the municipality adopted an ordinance protecting historic resources or archaeological sites, and this County ordinance shall not be applicable within the municipality." [emphasis added]

The City of Fort Lauderdale Unified Land Development Regulations provides as follows:

"Section 47-24.11.C. Certificate of appropriateness.

- 1. When permit is required.
  - a. No person may undertake any of the following actions affecting a designated landmark, a designated landmark site, or a property in a designated historic district without first obtaining a certificate of appropriateness from the historic preservation board:
    - i. Alteration of an archeological site, or
    - ii. New construction, or
    - iii. Demolition, or
    - iv. Relocation.
    - v. Alteration of the exterior part of a building or a structure or designated interior or portion thereof of a building or structure; however, ordinary repairs and maintenance that are otherwise permitted by law may be undertaken without a certificate of appropriateness, provided this work on a designated landmark, a designated

landmark site, or a property in a designated historic district does not alter the exterior appearance of the building, structure or archeological site, or alter elements significant to its architectural or historic integrity.

- vi. When located within a designated historic district, uses of land such as those including but not limited to, furniture placed outdoors, pushcarts, mobile or non-mobile vending machines and trolley cars placed on private property.
- b. Whenever any alteration, new construction, demolition or relocation is undertaken on a property in a designated historic district without a certificate of appropriateness, the building official shall issue a stop work order.
- c. Review of new construction and alterations to designated buildings and structures shall be limited to exterior features of the structure, except for designated interior portions. Whenever any alteration, new construction, demolition or relocation is undertaken on a designated landmark, a designated landmark site, or buildings or structures within a district without a certificate of appropriateness, the building director shall issue a stop work order.
- d. A certificate of appropriateness shall be a prerequisite and in addition to any other permits required by law. The issuance of a certificate of appropriateness by the board shall not relieve the property owner of the duty to comply with other state and local laws and regulations."

Note that the section is applicable to Landmark sites, which by definition are:

#### Section 47-24.11.A

13. Landmark site. The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark. A landmark site shall include the location of significant archeological features or of a historical event, and shall include

all significant trees, landscaping and vegetation as determined by the board.

Therefore the Broward County Ordinance is not applicable within the City of Fort Lauderdale. If you have any questions please do not hesitate to contact me.

Regards,

<image003.jpg>D'Wayne M. Spence, B.C.S.
Assistant City Attorney
City of Fort Lauderdale
Phone: (954) 828-5034

Fax: (954) 828-5915 dspence@fortlauderdale.gov

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From: Azcoitia, Maite [mailto:MAZCOITIA@broward.org]

Sent: Wednesday, December 17, 2014 4:14 PM

**To:** Stephen K. Tilbrook

**Cc:** D'Wayne Spence; Feliciano, Maribel; Linda Franco; Archaeological & Historical Conservancy; Seinfeld, Daniel M.; Lynda Crase; Anthony Fajardo; Ferrer, Richard; Defelice, Matthew; Sniezek, Henry; Karen Archer

**Subject:** Re: Rivermont (8BD87) - 1016 Waverly Road Historic Preservation Board Meeting Results

Steve, I have to disagree with your position. Section 5-530 of the Code of Ordinances provides for countywide applicability of the ordinance except to the extent that a municipality has an ordinance that preserves historic sites and structures and protects archaeological resources from ground disturbance. My understanding is that the City of Fort Lauderdale ordinances do not address archaeological resources and the County ordinance is applicable.

If you have any questions or wish to discuss further, let me know.

On Dec 17, 2014, at 3:44 PM, "Stephen K. Tilbrook" <Stephen. Tilbrook@gray-robinson.com> wrote:

> The timing of this email conversation is very troubling to me in the representation of my client.

It is my opinion that Broward County does not have jurisdiction to question the Fort Lauderdale COA, because Ft Lauderdale has and properly implements an Historic Preservation Ordinance.

For

Steve Tilbrook

## Stephen K. Tilbrook | Shareholder G R A Y | R O B I N S O N

401 East Las Olas Blvd., Suite 1000 | Fort Lauderdale, Florida 33301 T: 954-761-8111 | F: 954-761-8112 | D: 954-713-7845 E-mail | Website | Bio | vCard

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From: D'Wayne Spence

[mailto:DSpence@fortlauderdale.gov]

Sent: Wednesday, December 17, 2014 3:40 PM

To: Feliciano, Maribel; Linda Franco

**Cc:** Archaeological & Historical Conservancy; Seinfeld, Daniel M.; Lynda Crase; Anthony Fajardo; Azcoitia, Maite; Ferrer, Richard; Defelice, Matthew; Sniezek,

Henry; Stephen K. Tilbrook; Karen Archer

Subject: RE: Rivermont (8BD87) - 1016 Waverly Road

Historic Preservation Board Meeting Results

Mr. Sniezek,

It appear to me that your letter suggest that Broward County will accept the Historic Preservation Board's conditions if the Applicant complies with Broward County Ordinance 2014-32 as set forth in the letter. Please confirm whether or not this is the case.

Sincerely,

<image002.jpg>D'Wayne M. Spence, B.C.S. Assistant City Attorney

City of Fort Lauderdale Phone: (954) 828-5034 Fax: (954) 828-5915 dspence@fortlauderdale.gov

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From: Feliciano, Maribel

[mailto:mfeliciano@broward.orq]

Sent: Wednesday, December 17, 2014 3:09 PM

**To:** Linda Franco

**Cc:** Archaeological & Historical Conservancy; Seinfeld, Daniel M.; Lynda Crase; D'Wayne Spence; Anthony Fajardo; Azcoitia, Maite; Ferrer, Richard; Defelice, Matthew; Sniezek, Henry; 'Stephen.Tilbrook@gray-Robinson.com'

Subject: RE: Rivermont (8BD87) - 1016 Waverly Road

Historic Preservation Board Meeting Results

Importance: High

Dear Ms. Franco,

Please find attached the County's response to your request for review of the COA conditions. You can contact Henry Sniezek if you have any questions.

Kind regards,

<image003.png>

MARIBEL FELICIANO, PLANNING ADMINISTRATOR Environmental Protection and Growth Management Department PLANNING AND REDEVELOPMENT DIVISION 115 S. Andrews Ave Rm. 329K | Fort Lauderdale, FL 33301 954.519.1424 954.770.4501 (cell)

In planning for the next 100 years, what should Broward County focus on?

<image004.png> <image005.png>

From: Linda Franco

[mailto:LFranco@fortlauderdale.gov]

Sent: Wednesday, December 10, 2014 6:13 PM

To: Defelice, Matthew

**Cc:** Archaeological & Historical Conservancy; Seinfeld, Daniel M.; Feliciano, Maribel; Lynda Crase; D'Wayne Spence; Anthony Fajardo

Subject: RE: Rivermont (8BD87) - 1016 Waverly Road

Historic Preservation Board Meeting Results

Good afternoon Mr. DeFelice,

Please find attached the Historic Preservation Board ("HPB") results from the December 1, 2014 meeting, for the above referenced project. The HPB voted unanimously to approve the application with conditions, adopting the demolition management plan that was drafted by Robert Carr and submitted by the applicant, with the modification that the eight measures to minimize the impact on the archeological deposits be included in the plan, as modified by number eight, providing a weekly report to the Broward County Archeologist and if any significant findings were found on the site, work stoppage should occur immediately and be directed at the area of discovery and the find would be reported to the Broward County Archeologist within 48 hours; work would continue only after approval by the Broward County Archeologist (attached hereto as Exhibit-1016 Waverly Road).

These conditions/stipulations were made without the Broward County Archeologist or representative in attendance. Therefore, I am requesting that you review the attached conditions and let us know if the conditions are acceptable to Broward County and can be monitored by the Broward County Archeologist and notification to the City can be maintained to assure said conditions are met for the Certificate of Appropriateness ("COA") request to demolish the existing house on site.

Also, we are in receipt of your attached letter (DOC120914) received this week regarding the Archeological Discovery at 1016 Waverly Road, FMSF 8BD87. We will respond to said letter in a separate correspondence, once it is reviewed by City staff, including the City Attorney's Office.

Thank you,

Linda Mia Franco, AICP | Urban Design Principal Planner, Historic Preservation Board Liaison Urban Design & Planning Division City of Fort Lauderdale | Department of Sustainable Development

700 NW 19 Avenue, Fort Lauderdale FL 33311

P 954-828-8958 F 945-828-5858 Email: <u>lfranco@fortlauderdale.gov</u> Web: www.fortlauderdale.gov

<image007.png>

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From: Defelice, Matthew

[mailto:MDEFELICE@broward.org]

Sent: Tuesday, November 25, 2014 4:03 PM

To: Linda Franco

Cc: Archaeological & Historical Conservancy; Seinfeld,

Daniel M.; Feliciano, Maribel **Subject:** RE: Rivermont (8BD87)

Ms. Franco:

Following up with your email below and our conversation this afternoon.

As we discussed, the discoveries made at Rivermont were reported to both the State and County pursuant to F.F. 872.05 as it pertains to discovery of unmarked burials and pursuant to Broward County Ord. No. 2014-32 (formerly Ord. No. 92-38) as it pertains to archaeological discoveries.

The point of contact for this project at the State is Mr. Daniel Seinfeld, Archaeologist with the State Division of Historical Resources. Mr. Seinfeld is seeking input from the Seminole Tribe regarding the consideration of remains. Both Mr. Seinfeld and I have been in touch with Mr. Carr and briefly discussed potential Phase II archaeological work on the property.

Development of the site should be coordinated with Mr. Seinfeld as it has been demonstrated that there is potential for the discovery/disturbance of unmarked burials.

I am reviewing material associated with the discovery and will provide you with additional information when it is available.

In the meantime, please contact me if you have any questions or if you would like additional information.

Regards,

Matthew DeFelice
Archaeological Consultant
Broward County Planning and Redevelopment
Division
115 S. Andrews Avenue, Fort Laudardale, 51, 3330

115 S. Andrews Avenue, Fort Lauderdale, FL 33301

Email: mdefelice@broward.org

Tel.: 954-357-5506

From: Linda Franco

[mailto:LFranco@fortlauderdale.gov]

Sent: Wednesday, November 12, 2014 12:11 PM

To: Defelice, Matthew

Subject: RE: Rivermont (8BD87)

Hello Matt,

Is there anything we need to be doing on our end regarding report? Bob Carr, indicated that they sent the report to the State.

Thank you,

Linda Mia Franco, AICP | Urban Design Principal Planner, Historic Preservation Board Liaison Urban Design & Planning Division City of Fort Lauderdale | Department of Sustainable Development

700 NW 19 Avenue, Fort Lauderdale FL 33311 P 954-828-8958 F 945-828-5858

Email: <u>lfranco@fortlauderdale.gov</u> Web: <u>www.fortlauderdale.gov</u>

<image007.png>

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From: Archaeological & Historical Conservancy

[mailto:archlgcl@bellsouth.net]

Sent: Wednesday, November 12, 2014 10:51 AM

To: Linda Franco

Subject: Re: Rivermont (8BD87)

Yes. That is correct.

**Bob Carr** 

Archaeological and Historical Conservancy,

Inc.

4800 SW 64th Avenue, Suite 107

Davie, FL 33314-4438 archigcl@bellsouth.net Phone: 954-792-9776

Fax: 954-792-9954

http://www.flarchaeology.org

From: Linda Franco < LFranco@fortlauderdale.gov > To: Archaeological & Historical Conservancy

<archigcl@bellsouth.net>

Sent: Wednesday, November 12, 2014 10:35 AM

Subject: RE: Rivermont (8BD87)

Good morning Mr. Carr,

Was this Phase I ordered by the new owner/owner's representative?

Thank you,

Linda Mia Franco, AICP | Urban Design Principal Planner, Historic Preservation Board Liaison Urban Design & Planning Division City of Fort Lauderdale | Department of Sustainable Development
700 NW 19 Avenue, Fort Lauderdale FL 33311

P 954-828-8958 F 945-828-5858 Email: <u>lfranco@fortlauderdale.gov</u> Web: www.fortlauderdale.gov

<image007.png>

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From: Archaeological & Historical Conservancy

[mailto:archlgcl@bellsouth.net]

Sent: Monday, November 10, 2014 1:30 PM

To: Linda Franco

Subject: Fw: Rivermont (8BD87)

Ms. Franco,

Please see below, the Notice of Discovery that we provided to the State on 11/6/14 regarding a human tooth found at the Rivermont Site (1016 Waverly Rd).

Regards, Bob Carr Archaeological and Historical Conservancy, Inc.

4800 SW 64th Avenue, Suite 107

Davie, FL 33314-4438 archlgcl@bellsouth.net Phone: 954-792-9776

Fax: 954-792-9954

http://www.flarchaeology.org/

## ---- Forwarded Message -----

From: Archaeological & Historical Conservancy

<archigcl@bellsouth.net>

To: "Daniel Seinfeld@DOS MyFlorida.com" <Daniel Seinfeld@DOS MyFlorida.com>

Cc: Matthew Defelice < MDEFELICE@broward.org >;

Leo Hansen < lchaia@gate.net>

Sent: Thursday, November 6, 2014 3:00 PM

Subject: Rivermont (8BD87)

Dan,

We recently began Phase 1 testing at the Rivermont Site in Broward County (8BD87). We completed 15 shovel tests around the house and along one transect, with more shovel testing to follow in the next few weeks. During the review of the recovered material from this first stage, we identified a human molar in ST 12 (see attached map). The molar was found within what appears to be an intact prehistoric horizon. No other human remains have been found. It is anticipated that a Phase 2 assessment will be conducted.

Regards, Bob Carr

Archaeological and Historical Conservancy, Inc.

4800 SW 64th Avenue, Suite 107 Davie, FL 33314-4438

archlgcl@bellsouth.net Phone: 954-792-9776 Fax: 954-792-9954

http://www.flarchaeology.org/

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